

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 22-mj-2074-DPR

GEVONI RAYON BROWN,

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Teresa A. Moore, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. § 3142(e)(3)(E), and § 3142(f)(1)(A). At this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

Supporting Suggestions

1. Title 18, United States Code, Section 3142(f)(1)(A) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves an offense involving a minor or a crime of violence as defined in 18 U.S.C. § 3156(a)(4)(C), which includes the offense of transportation of child pornography, in violation of 18 U.S.C. § 2251(a). 18 U.S.C. §§ 3142(e)(3)(E) and 3142(f)(1)(A).

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

- a. When there is a serious risk that the defendant will flee; or,
- b. When there is a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror. 18 U.S.C. § 3142(f)(2)(A) and (B).

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves the transportation of child pornography. Further, there is a serious risk that the defendant's release will present a substantial risk to the victim and the community.

4. The crime alleged in the Complaint requires the Court to consider a rebuttable presumption that no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. 18 U.S.C. § 3142(e)(3)(E).

5. Moreover, the nature and circumstances of the charged offense, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. In assessing danger to the community, the inquiry is not limited only to the risk of physical violence, but can also include the danger of continued criminal activity. *See United States v. Tortora*, 922 F.2d. 880 (1st Cir. 1990).

6. The Government is aware of the following evidence:

a. In relation to the nature and circumstances of the offense charged, on December 15, 2022, a complaint was filed, charging the defendant with transportation of child pornography.

b. In relation to the weight of the evidence supporting the charge in the Complaint, the Government would reincorporate the facts set forth in the affidavit in support of the criminal complaint.

7. Given the nature and circumstances of the offenses charged, the weight of the evidence against the defendant, and the danger to the community by the defendant's release, the United States submits that there is clear and convincing evidence that there are no conditions that would reasonably assure the defendant's appearance in court or the safety of the victim or community. *See* 18 U.S.C. §3142(f) and §3142(g).

WHEREFORE, the United States requests a pretrial detention hearing and that the defendant be detained pending trial.

Respectfully submitted,

Teresa A. Moore
United States Attorney

By /s/ Stephanie L. Wan
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on December 16, 2022, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Stephanie L. Wan

Stephanie L. Wan

Assistant United States Attorney